

# INDIANA PUBLIC DEFENDER COMMISSION MEETING MINUTES

September 29, 2004

The meeting commenced at 3:07 p.m. Present were: Chairman Norman Lefstein, Commission members Les Duvall, Rep. Ralph Foley, Bettye Lou Jerrel, Rep. Bob Kuzman, Sen. Timothy Lanane, Rebecca McClure, and Sen. Joseph Zakas. Absent were: Commission members Susan Carpenter, Hon. Daniel Donahue, and Monica Foster. Also in attendance were Larry Landis of the Indiana Public Defender Council and Bob Borgmann, attorney for the Commission.

1. Minutes from the July 28, 2004 meeting were reviewed and approved. In follow-up to the September 28 minutes, Chairman Lefstein reported that, as requested by the Commission, the Henry County Public Defender submitted a report of pending caseloads, and it was determined that the Henry County Public Defender Agency was in compliance with Commission standards and reimbursement for first quarter 2004 expenses was approved as directed by the Commission. Chairman Leftsein further reported that a letter had been sent to the Perry County Public Defender Board but that no response had yet been received. Bob Borgmann was directed to follow-up on the correspondence. Chairman Lefstein next reported that the Marion County Public Defender Agency had received an additional appropriation of \$500,000 for the year 2004 in the 2005 budget, for hiring additional attorneys in the juvenile court division. In the Marion County Public Defender's 2005 budget this amount will be increased to \$1,000,000. It was noted that the entire 2005 budget for the Marion County Public Defender was increased by \$2,500,000.
2. Chairman Leftstein discussed the date for the next Commission meeting, and the next meeting was scheduled for Thursday, December 16 at 1:30 pm.
3. Chairman Lefstein next discussed a resolution recognizing Senator Richard Bray's dedicated service to the Commission and the cause of Public Defense in Indiana. Senator Zakas moved for approval of the Resolution. The motion was seconded and approved unanimously.
4. The Commissioners then considered capital reimbursements as follows:

## INDIANA PUBLIC DEFENDER COMMISSION

Recommendations for Reimbursements in Capital Cases		
2nd QUARTER 2004-2005		
COUNTY	DEFENDANT	TOTAL
Allen	Hatch	\$ 7,424.67
Delaware	Verner	\$ 15,163.68
Lake	Aki-Khuam	\$ 8,496.15

	Britt	\$	5,297.25
	Jeter	\$	12,646.48
	Maust	\$	5,523.42
	Roche	\$	8,290.95
Madison	Baer	\$	21,968.15
Marion	Barker	\$	3,676.50
	Ben Yisrayl	\$	2,184.75
	Covington	\$	7,390.59
	Dye	\$	4,368.45
	Holland	\$	10,788.56
Morgan	Pruitt	\$	34,803.15
Spencer		\$	1,871.65
Total		\$	142,146.72

It was noted that for the Dye reimbursement, the presiding judge had not signed the request for reimbursement form. Bob Borgmann reported that he had a telephone conversation with the Marion County Public Defender Agency, assuring him that the signed form would be sent. The Commission approved reimbursement of capital claims; provided however, that reimbursement for expenses in the Dye case was conditioned upon receipt of the signed claim form.

5. The Commission approved reimbursement for non-capital claims in the following amounts:

### Indiana Public Defender Commission

Recommendations for Reimbursement in Non-capital Cases--September 29, 2004

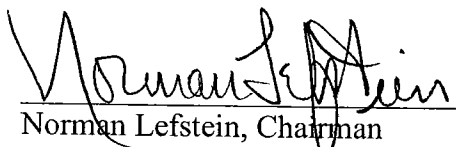
COUNTY	PERIOD COVERED	TOTAL EXPENSE	ADJUST	ADJUST'D EXPEND.	40% REIMB.
ADAMS	4/01/04-6/30/04	\$32,356.86	\$0.00	\$32,356.86	\$12,942.74
ALLEN	4/01/04-6/30/04	\$642,602.42	\$0.00	\$642,602.42	\$257,040.97
CARROLL	4/01/04-6/30/04	\$22,732.40	\$0.00	\$22,732.40	\$9,092.96
CLARK	4/01/04-6/30/04	\$99,216.13	\$4,658.03	\$94,558.10	\$37,823.24
DECATUR	4/01/04-6/30/04	\$27,511.88	\$10,335.15	\$17,176.73	\$6,870.69
FAYETTE	4/01/04-6/30/04	\$55,831.30	\$0.00	\$55,831.30	\$22,332.52
FLOYD	4/01/04-6/30/04	\$82,765.52	\$0.00	\$82,765.52	\$33,106.21
FOUNTAIN	4/01/04-6/30-04	\$16,363.00	\$5,379.80	\$10,983.20	\$4,393.28
GRANT	4/01/04-6/30/04	\$115,854.14	\$9,849.95	\$106,004.19	\$42,401.68
GREENE	4/01/04-6/30/04	\$59,751.57	\$0.00	\$59,751.57	\$23,900.63
HANCOCK	4/01/04-6/30/04	\$116,423.48	\$0.00	\$116,423.48	\$46,569.39
HENRY	4/01/04-6/30/04	\$36,669.05	\$15,740.17	\$20,928.88	\$8,371.55
JASPER	4/01/04-6/30/04	\$31,239.84	\$7,936.74	\$23,303.10	\$9,321.24
JAY	4/01/04-6/30/04	\$43,695.57	\$6,084.88	\$37,610.69	\$15,044.28
JENNINGS	4/01/04-6/30/04	\$22,494.25	\$146.02	\$22,348.23	\$8,939.29

KNOX	4/01/04-6/30-04	\$132,141.29	\$47,364.42	\$84,776.87	\$33,910.75
KOSCIUSKO	4/01/04-6/30/04	\$73,092.69	\$0.00	\$73,092.69	\$29,237.08
LAKE	4/01/04-6/30/04	\$779,405.72	\$0.00	\$779,405.72	\$311,762.29
LAPORTE	4/01/04-6/30/04	\$90,824.95	\$0.00	\$90,824.95	\$36,329.98
MADISON	4/01/04-6/30/04	\$380,018.69	\$11,292.40	\$368,726.29	\$147,490.52
MARION	4/01/04-6/30/04	\$1,478,015.53	\$0.00	\$1,478,015.53	\$591,206.21
MONROE	4/01/04-6/30/04	\$164,341.00	\$5,282.38	\$159,058.62	\$63,623.45
MONTGOMERY	4/01/04-6/30/04	\$69,973.45	\$31,016.60	\$38,956.85	\$15,582.74
NOBLE	4/01/04-6/30/04	\$54,091.64	\$0.00	\$54,091.64	\$21,636.66
OHIO	4/01/04-6/30/04	\$11,097.54	\$2,495.50	\$8,602.04	\$3,440.82
ORANGE	4/01/04-6/30/04	\$17,790.76	\$0.00	\$17,790.76	\$7,116.30
PARKE	4/01/04-6/30/04	\$16,064.01	\$0.00	\$16,064.01	\$6,425.60
PERRY	4/01/04-6/30/04	\$16,199.75	\$0.00	\$16,199.75	\$6,479.90
PULASKI	4/01/04-6/30/04	\$25,677.15	\$7,166.87	\$18,510.28	\$7,404.11
RUSH	4/01/04-6/30/04	\$36,545.39	\$9,397.39	\$27,148.00	\$10,859.20
SCOTT	4/01/04-6/30/04	\$48,659.37	\$10,393.26	\$38,266.11	\$15,306.44
SHELBY	4/01/04-6/30/04	\$56,120.93	\$7,775.79	\$48,345.14	\$19,661.79
SPENCER	4/01/04-6/30/04	\$19,793.05	\$0.00	\$19,793.05	\$7,917.22
STEUBEN	4/01/04-6/30/04	\$74,714.26	\$15,319.96	\$59,394.30	\$23,757.72
SULLIVAN	4/01/04-6/30-04	\$11,643.99	\$442.00	\$11,201.99	\$4,480.80
SWITZERLAND	4/01/04-6/30/04	\$18,733.57	\$3,837.75	\$14,895.82	\$5,958.33
TIPPECANOE	4/01/04-6/30/04	\$168,737.73	\$18,398.20	\$150,339.53	\$60,135.81
VANDEBURGH	4/01/04-6/30/04	\$336,806.13	\$0.00	\$336,806.13	\$134,722.45
VIGO	4/01-04-6/30-04	\$273,584.62	\$52,253.24	\$221,331.38	\$88,532.55
WARREN	4/01/04-6/30/04	\$9,671.52	\$0.00	\$9,671.52	\$3,868.61
WASHINGTON	4/01/04-6/30/04	\$46,539.72	\$10,222.37	\$36,317.35	\$14,526.94
<b>TOTAL</b>		<b>\$6,118,443.27</b>	<b>\$312,400.96</b>	<b>\$5,806,042.31</b>	<b>\$2,322,740.67</b>

The Perry County claim for reimbursement was tabled pending further follow-up concerning its Contract for Legal Services.

6. The Commission next considered the anticipated budget flow for the remaining fiscal year 2004-2005 and for the start of fiscal year 2005-2006. Chairman Lefstein noted that because the next appropriated installment to the Public Defender Fund will be paid in January 2005, the reimbursement of third quarter 2004 non-capital expenses, considered at the December 2004 Commission meeting, may have to be delayed until after the January installment has been made. The Commission further discussed the probability of having to pro-rate fourth quarter 2004 non-capital reimbursement claims which will be considered by the Commission in March 2005. It was recommended that a letter be sent to participating county public defender agencies and to county auditors concerning possibility of pro-rated reimbursements. The Commission discussed the need to lobby the legislature for additional funds.

7. Chairman Lefstein discussed desirability hiring additional staff for the Commission. Additional staff is necessary to complete a number of projects initiated by the Commission and to enable better monitoring of county agencies. Chairman Lefstein stated that in the past the lack of office space in the Division of State Court Administration has been an obstacle to hiring additional staff; however, is acquiring additional office space to meet this need. Chairman Lefstein further noted that Chief Justice Shepard has agreed to hiring an additional staff attorney for the Commission. Les Duvall moved to authorize Chairman Lefstein to proceed with the hiring of an additional staff attorney. The motion was seconded and approved.
8. The Commission next considered a proposed amendment to Standards for Indigent Defense Services in Non-Capital Cases, Standard J. Chairman Lefstein noted that under Standard J, as it was currently written, caseload statistics for variuos contract and appointed counsel are not reported to the Commission, and he recommended that Standard J be amended to require the reporting caseload statistics for all counsel providing indigent defense services. Senator Lanane moved to adopt the proposed amendment to Standard J. The motion was seconded and approved.
9. Bob Borgmann indicated possible inconsistencies in Standard J involving caseload limits established for Non-Capital Murder and all Felonies, Non-Capital Murder: Class A, B, C felonies, and Class D felonies only, and for Class D felonies only, Misdemeanors only, and Class D felonies and misdemeanors. Larry Landis indicated that the caseload limits in Standard J were adopted in this manner to accommodate for organizational differences found in the various criminal courts. In some counties, courts are established to handle either felonies cases or misdemeanors cases; however in other counties, courts are established to handle either Class D felony and misdemeanor cases or Class A, B, and C felonies and murder cases. Mr. Landis indicated that Commission intended the standards to be applied in a manner consistent with the court system found in each particular county. No further action was recommended concerning this topic.
10. The meeting was adjourned at 4:35 p.m.

  
Norman Lefstein, Chairman

12/16/2004  
Date